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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
HYDERABAD

O.A.No.1250 of 1999.

DATE OF ORDER:23-6-2000.

Between:

K.Venkateshwarlu.

..Applicant

and

1. The Telecom District Manager, Khammam.
2. The Chief General Manager,  
Telecommunication, A.P.Circle,  
Hyderabad.
3. The Chairman, Telecom Commission,  
New Delhi.
4. The Secretary to the Ministry of  
Personnel, Department of Pension &  
Pensioners Welfare, New Delhi.

...Respondents

COUNSEL FOR THE APPLICANT :: Mr.K.Venkateshwar Rao

COUNSEL FOR THE RESPONDENTS : Mr.M.C.Jacob

CORAM:

THE HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN

: O R D E R :

(PER HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN)

Heard Mr.K.Venkateshwar Rao, learned Counsel for the  
Applicant and the learned Standing Counsel for the  
Respondents.

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2. The applicant is aggrieved by the contents of the letter No.TAC/Pen/C-IV/93-94/32, dated 3-12-1998 issued by the 2nd respondent intimating the first respondent that the grant of family pension to the parents of the deceased official is effective from 1-1-1998 only i.e., as per DOT letter No.36-8/98-Pen, dated 2-11-1998 and as Sri K.Sesha-Rao expired on 25-2-1993, the parents were not eligible for the receipt of family pension.

3. During the course of arguments my attention is drawn to the contents of the Office Memorandum dated 27-9-1999 (which was produced during the course of arguments and which is ordered to be taken on record) forwarding therewith a copy of the letter dated 21-7-1999, in which it is stated in paragraph (i) that in terms of the O.M. dated 5-3-1998, parents who were wholly dependent on the deceased Government servant when he/she was alive will also be entitled to Family Pension with effect from 1st January, 1998 subject to the fulfillment of the other conditions prescribed in this regard. It is further stated that doubts have been raised whether parents of Government Servants who died prior to 1st January, 1998 will also be entitled to Family Pension will be admissible in these cases subject to certain conditions mentioned in the said letter.

4. In Sub.para (d) of paragraph (i) of the said Circular it is clarified that the Family Pension wherever admissible to parents, the mother will receive the pension first and after her death the father will receive the family pension.

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It also appears from the communication dated 9-6-2000 sent by the Sub-Divisional Engineer(Admn.), addressed <sup>with</sup> to the applicant in connection of the family pension case of Sri K.Sesha Rao, in which it is clarified that the applicant's representation dated 2-9-1998 addressed to the Chief General Manager, Telecom, A.P.Circle, Hyderabad, it is to intimate that as per the orders received from the Circle of Office recently, the mother/the deceased Government servant is eligible to receive the Family Pension first and after her death the father will receive the Family Pension.

5. In the light of the above clarifications made in the Office Memorandum, the Respondent No.1 shall re-consider the issue and decide the same as may be deemed fit by him. This exercise shall be completed within two months from the date of receipt of a copy of this Order.

6. The OA is disposed of accordingly with no order as to costs.

*D.H.NASIR*  
( D.H.NASIR )  
VICE CHAIRMAN

DATED: this the 23rd day of June, 2000

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Dictated in the Open Court

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DSN

*M*  
*26-6-00*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

COPY TO

1. HDHNJ
2. HRRN (ADMN.) MEMBER
3. HBSJP (JUDL.) MEMBER
4. D.R. (ADMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

1ST AND 2ND COURT

: TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE HON'BLE MR. JUSTICE D.H.NASIR  
VICE-CHAIRMAN

THE HON'BLE MR. R.RANGARAJAN  
MEMBER (ADMN.)

THE HON'BLE MR. B.S.JAI PARAMESHWAR  
MEMBER (JUDL.)

DATE OF ORDER 23/6/2001

MA/RA/CP.NO.

IN  
CA. NO. (250 / 99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

(9 copies)

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

